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FISCAL IMPACT REPORT

SPONSOR: Jennings DATE TYPED: 03/20/03 HB

SHORT TITLE: Game Park Fence Height SB 812/aSCONC/aHGUAC

ANALYST: Valenzuela

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

- *Report of the Legislative Finance Committee to the Forty-sixth Legislature, First Session, January 2003 for Fiscal Year 2003 – 2004, pp. 390 – 401.*

Responses Received From
Department of Game and Fish

SUMMARY

Synopsis of the HGUAC Amendment

The House Government and Urban Affairs Committee (HGUAC) amendment aligns the short title with the effect of the SCONC amendment which eliminated the size restriction on game park fences.

Synopsis of the SCONC Amendment

The Senate Conservation Committee (SCONC) amendment to Senate Bill 812 eliminates the acreage threshold that defines the size of a game park and eliminates the game-proof fence height requirement. Therefore, the current regulation mandating a fence no lower than seven and one-half feet applies to all game parks, regardless of acreage.

Synopsis of Original Bill

Senate Bill 812 would require that game-proof fences bordering game parks be no more than six feet in height. The bill makes grammatical corrections to the statute.

Significant Issues

Under current regulations, game-proof fences can be no lower than seven and one half feet in height from ground level to top wire or fence top. DGF reports that this height was developed through intensive public involvement from game park owners and other concerned citizens.

DGF argues that the current height requirement is in place to prevent against possible transmission of disease. The department reports that animal health specialists believe game parks have a higher rate of disease transmission because close proximity of game to each other in a limited area. In some instances, game in game parks are imported from other parks in other states, which could aid in disease transmission such as chronic wasting disease.

FISCAL IMPLICATIONS

Senate Bill 812 does not contain an appropriation.

OTHER SUBSTANTIVE ISSUES

Chronic Wasting Disease. Last summer, chronic wasting disease was discovered on game ranches in Colorado that exported elk to New Mexico game ranches. To combat potential spread of the disease, the department promulgated strict rules impacting game parks and prohibited their owners from importing elk into New Mexico. It also reimbursed the New Mexico rancher \$37.5 for the 15 elk it had to eradicate. The situation highlighted a weakness in the statute, which was silent on the issue of paying producers for eliminating a portion of their herd for the protection of wildlife and, potentially, public health.

The Legislature in 2002 addressed this void. Senate Bill 151, which was enacted directed the department to promulgate rules for controlling or eradicating the spread of contagious disease in game animals. The bill gave the department the authority, in collaboration with the state veterinarian, to mitigate any problem through quarantine, treatment or destruction of the animals. Senate Bill 151 also allowed DGF to use the game protection fund to purchase the diseased animals and disinfect the premises of the game parks where the animals had been housed. Enactment of Senate Bill 151 could have a substantial impact on the game protection fund. DGF reports New Mexico is home to 19 Class A game parks and estimates an average elk population of 108 per park. Based on an estimated average cost per elk of \$4.0, the impact could be \$8,200.0 if an outbreak occurred requiring the department to destroy the entire game park population.

MFV/yr